IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.5192 of 2007
[Smt. Rekha R. Thakkar Vs. President, Gujrati Edn. Society & ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. P.S. Patil, Advocate for the petitioner.

CORAM : A.H. JOSHI, J.

DATE : 23rd November,2007.

1. Heard.

2. The petitioner's appeal against termination has been dismissed by the School Tribunal. The School Tribunal has recorded a finding as follows:-

> 9. ....I find that the respondent nos. 1 and 2 have filed documentary evidence on record and considering the same, it reveals that observation book was maintained by respondent no.2 regarding the performance of the appellant during probation period and same was placed before School Committee for observation and school committee only decided the performance and

> **unsuitability of the appellant before the expiry of probation period. This is the inquiry which is excepted to be done for evaluation of the suitability and good performance of the probationer. The termination order contents this fact that the appellant during her probation period her behaviour is unsatisfactory and, therefore, management resolved to terminate her services by giving one month's salary and the Secretary was authorized to execute the decision. ....**

3. Admittedly, the petitioner was on probation, and at the end of probation, the employer has to arrive at a conclusion whether the employee can be continued in employment. The employer's judgment, at the stage of crossing of probation of an employee, is, therefore, of absolute nature. Based on this judgment, he decides if the employee is to be permitted to continue in the employment as a confirmed employee, or has to be shown the exit without stigma, to try his career elsewhere.

4. The Judgment impugned is rendered keeping in view not only the employer's power generally, but facts of the case, with due advertence to the procedure adopted by the employer.

5. The Judgment is not shown to be perverse or erroneous.

6. In these premises, no interference is warranted in the petition under Articles 226 and

227 of the Constitution of India. Petition is accordingly dismissed.

Judge

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